



Attorney's Docket No.: 13681-003002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Choi et al.  
Serial No. : 10/053,535  
Filed : January 15, 2002  
Title : CARBON MONOXIDE AS A BIOMARKER AND THERAPEUTIC AGENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Art Unit : 1616  
Examiner : Frank I. Choi

DECLARATION OF DR. LEO E. OTTERBEIN UNDER 37 CFR 1.132

I, Leo E. Otterbein, hereby declare as follows:

- (1) I am a co-inventor with Augustine M. K. Choi of the subject matter described and presently claimed in the above-identified application.
- (2) I am co-author with Augustine M. K. Choi and Lin L. Mantell on the abstract entitled "Carbon Monoxide Provides Protection Against Hyperoxic Lung Injury in Rats" that was published in the American Journal of Respiratory and Critical Care Medicine, volume 159, No. 3, Supp., pp. A218 (March 1999).
- (3) In the work reported in the above-referenced publication, Dr. Mantell worked under the direction of Dr. Choi and myself, preparing and staining lung tissue sections for observation. Dr. Mantell made no inventive contributions to the present claims.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8-31-04

Date

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Leo E. Otterbein, Ph.D.

Leo E. Otterbein, Ph.D.

THIS DATE WAS WRITTEN  
IN ERROR. IN FACT IT  
WAS SIGNED BY DR. OTTERBEIN  
ON 9/1/04.

Leo E. Otterbein REG. NO. 54,112